

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Emily Devaney	Team: Squad #4	CCRB Case #: 202003883	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 05/31/2020 12:00 PM, Wednesday, 06/03/2020 1:15 PM	Location of Incident: Dean Street and Flatbush Avenue; Dean Street and 6th Avenue	Precinct: 78	18 Mo. SOL 12/3/2021	EO SOL 5/4/2022	
Date/Time CV Reported Wed, 06/03/2020 10:31 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Wed, 06/03/2020 10:31 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT An officer			
2. POF Ann Guerrier	06014	963559	078 PCT
3. POF Chantal Williams	21849	963335	078 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Delvia Lopez	10358	964619	078 PCT
2. POM Bryan Jones	02916	952903	078 PCT
3. POM John Sears	05952	949650	078 PCT
4. POM Lawrence Shertzman	20914	939461	078 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT An officer	Abuse: On May 30, 2020 or May 31, 2020, at 6th Avenue and Atlantic Avenue in Brooklyn, an officer questioned § 87(2)(b)	
B.POF Ann Guerrier	Abuse: On June 3, 2020, at Dean Street and Flatbush Avenue in Brooklyn, Police Officer Ann Guerrier questioned § 87(2)(b)	
C.POF Chantal Williams	Abuse: On June 3, 2020, at Dean Street and Flatbush Avenue in Brooklyn, Police Officer Chantal Williams questioned § 87(2)(b)	
D.SGT An officer	Abuse: On June 3, 2020, at Dean Street and Flatbush Avenue in Brooklyn, an officer questioned § 87(2)(b)	
E.SGT An officer	Discourtesy: On June 3, 2020, at Dean Street and Flatbush Avenue in Brooklyn, an officer spoke discourteously to § 87(2)(b)	
F.SGT An officer	Abuse: On June 3, 2020, at Dean Street and Flatbush Avenue in Brooklyn, an officer refused to provide his shield number to § 87(2)(b)	

Case Summary

On June 3, 2020, § 87(2)(b) filed the following complaint with the CCRB online. On June 5, 2020, § 87(2)(b) filed a duplicate complaint with the CCRB online.

On either May 30 or May 31, 2020, at approximately 12:00 p.m., § 87(2)(b) rode her bicycle toward the intersection of 6th Avenue and Atlantic Avenue in Brooklyn where there were police barricades blocking the street. As § 87(2)(b) approached the barricades, an officer (PO1) stopped § 87(2)(b) and asked her for identification, which § 87(2)(b) provided (**Allegation A: Abuse of Authority**, § 87(2)(g)). PO1 let § 87(2)(b) proceed through the barricade.

On June 3, 2020, at approximately 1:15 p.m., § 87(2)(b) was walking home when he approached police barricades at the intersection of Dean Street and Flatbush Avenue in Brooklyn. Police Officers Chantal Williams and Ann Guerrier from the 78th Precinct did not allow § 87(2)(b) through the barricade until he told them where he was going (**Allegations B-C: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) walked past PO Williams and PO Guerrier toward the entrance of his apartment building at § 87(2)(b) where an officer (PO2) was standing. PO2 cursed at § 87(2)(b) and asked where he was going (**Allegations D-E: Discourtesy, Abuse of Authority**, § 87(2)(g)). § 87(2)(b) and PO2 argued until PO2 asked if § 87(2)(b) lived in the building. When § 87(2)(b) replied that he did, PO2 cursed at § 87(2)(b) (**Allegation F: Discourtesy**, § 87(2)(g)). § 87(2)(b) looked at PO2's shield and saw that the number was obscured by a black mourning band (**Allegation G: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) entered the apartment building without further incident.

The investigation obtained a cell phone video from § 87(2)(b) depicting the incident with § 87(2)(b) (Board Review 01). There were no body-worn camera videos since the nature of the incident did not require the use of BWC as per the Patrol Guide.

Findings and Recommendations

Allegation (A) Abuse of Authority: On May 30, 2020 or May 31, 2020, at 6th Avenue and Atlantic Avenue in Brooklyn, an officer questioned § 87(2)(b)

§ 87(2)(b) testified that there was an NYPD mobile command center near the Barclays Center and § 87(2)(b) where § 87(2)(b) lived (Board Review 02). The NYPD blocked off the area with metal barricades and would not allow anyone through unless they were residents or making deliveries to residents of § 87(2)(b). Officers often stopped individuals and asked for identification to prove residency before allowing them through the barricades.

§ 87(2)(b) did not recall the exact date of this incident. She rode her bicycle with a friend, § 87(2)(b), south on 6th Avenue. As they approached Atlantic Avenue, § 87(2)(b) rode his bicycle through a gap in the metal barricades that were otherwise blocking the street. § 87(2)(b) followed on her bicycle, but an officer (Officer 1) stopped her. § 87(2)(b) did not recall how Officer 1 stopped her. Officer 1 asked § 87(2)(b) for identification. § 87(2)(b) provided her expired Missouri identification card and explained that she had not yet changed her license to her New York residence. Officer 1 allowed § 87(2)(b) to pass through. § 87(2)(b) had ridden his bicycle away from § 87(2)(b) and did not witness her interaction with Officer 1.

§ 87(2)(b) described Officer 1 as a white male, approximately 5'8" or 5'9", with dark hair, in his 40s, and wearing a dark-colored uniform. § 87(2)(b) did not recall anything else about Officer 1 and stated that she would not be able to recognize him from a photo. There were at least

two additional officers nearby, but § 87(2)(b) was unable to describe them.

According to the 78th Precinct Roll Calls on May 30 and May 31, 2020, Police Officers Bryan Jones, John Sears, and Lawrence Shertzman were the only three white males assigned to security footposts in the vicinity of 6th Avenue and Atlantic Avenue (Board Review 03).

PO Jones, PO Sears, and PO Shertzman all testified that they had no recollection of interacting with § 87(2)(b) (Board Review 04, 05, 06, respectively). PO Jones, PO Sears, and PO Shertzman all testified that the blocks surrounding the 78th Precinct had been shut down to all vehicular and pedestrian traffic beginning sometime after May 29th due to the unruly nature of the protests in the area.

§ 87(2)(g)

Allegation (B) Abuse of Authority: On June 3, 2020, at Dean Street and Flatbush Avenue in Brooklyn, Police Officer Ann Guerrier questioned § 87(2)(b)

Allegation (C) Abuse of Authority: On June 3, 2020, at Dean Street and Flatbush Avenue in Brooklyn, Police Officer Chantal Williams questioned § 87(2)(b)

§ 87(2)(b) testified that he was on his way home to § 87(2)(b) when he approached metal barricades on the corner of Dean Street and Flatbush Avenue (Board Review 07). Either PO Guerrier or PO Williams approached him and said, “Where do you think you’re going?” § 87(2)(b) replied that he did not have to answer that question. Either PO Guerrier or PO Williams said, “You’re not getting in here.” § 87(2)(b) repeated that he did not need to answer any questions. After a short back-and-forth conversation, § 87(2)(b) told PO Guerrier or PO Williams that he lived on the block. PO Guerrier or PO Williams allowed § 87(2)(b) to walk through the barriers onto the block.

§ 87(2)(b) testified that she observed officers stop an individual on the corner of Flatbush Avenue and 6th Avenue (Board Review 02). She did not know the individual. § 87(2)(b) took a video on her cell phone from her apartment window of the interaction.

§ 87(2)(b)'s cell phone video showed § 87(2)(b) interacting with both PO Guerrier and PO Williams for approximately one minute until § 87(2)(b) walked past the officers and out of frame (Board Review 01). The video did not contain audio, and therefore did not capture any part of § 87(2)(b)'s conversation with the officers.

PO Guerrier and PO Williams both testified that the streets surrounding the 78th Precinct were closed to all pedestrian traffic except for individuals who lived on the block (Board Review 08, 09, respectively). The area was closed due to the protests and riots in the area. PO Guerrier and PO Williams were responsible for standing at the barricades and directing individuals around the block. Both officers stated that they interacted with many individuals on this date. Generally, PO Guerrier and PO Williams told individuals to take a detour unless they lived on the block, in which case, the officers allowed the individuals to enter the block. Neither PO Guerrier nor PO Williams recalled interacting with § 87(2)(b) even after viewing the cell phone video.

According to *People v. De Bour*, an officer may approach an individual for the purpose of requesting information provided there is an articulable reason to justify the action (Board Review 10). Furthermore, the basis for this inquiry does not need to rest on any indication of criminal activity on the part of the individual.

§ 87(2)(g)

Allegation (D) Abuse of Authority: On June 3, 2020, at Dean Street and Flatbush Avenue in Brooklyn, an officer questioned § 87(2)(b)

Allegation (E) Discourtesy: On June 3, 2020, at Dean Street and Flatbush Avenue in Brooklyn, an officer spoke discourteously to § 87(2)(b)

Allegation (F) Abuse of Authority: On June 3, 2020, at Dean Street and Flatbush Avenue in Brooklyn, an officer refused to provide his shield number to § 87(2)(b)

§ 87(2)(b) testified that he walked past PO Guerrier and PO Williams to the front door of his building where there were a group of officers (Board Review 07). Officer 2 said to § 87(2)(b) “Where the fuck do you think you’re going?” § 87(2)(b) refused to answer. Officer 2 asked if § 87(2)(b) lived in the building, and § 87(2)(b) replied that he did. Officer 2 said, “Get the fuck out of here,” or, “Fuck off,” or something similar. § 87(2)(b) went into his building.

§ 87(2)(b) described Officer 2 as a white male who was approximately 45 years-old, 5’8” tall, and 205-210 pounds, with silver or gray hair, and a heavy build. Officer 2 was wearing a blue NYPD uniform with chevrons on the sleeve. Officer 2’s shield was gold, and the number was obstructed by a black mourning band. The chevrons and gold shield led § 87(2)(b) to believe Officer 2 was a sergeant.

PO Guerrier and PO Williams stated that there were many officers in the vicinity from various commands (Board Review 08, 09, respectively). Neither PO Guerrier nor PO Williams recalled § 87(2)(b) interacting with any sergeant. Neither knew of any sergeant matching the description § 87(2)(b) provided. Both PO Guerrier and PO Williams stated that their supervisor was Sergeant “Lecorps” at the time.

A CTS search yielded information for Sergeant Shapiro Lecorps of the 78th Precinct who is a § 87(2)(b) year-old Black male. The NYPD photograph for Sgt. Lecorps showed that he did not match § 87(2)(b)’s description of Officer 2 (Board Review 11).

The 78th Precinct roll call did not yield any sergeants working in the vicinity that matched § 87(2)(b)’s description of Officer 2 (Board Review 12).

According to the Patrol Bureau Brooklyn South detail rosters, there were 25 sergeants stationed in the vicinity (Board Review 13). Of those officers, only Sergeants Christopher Green, Kevin Keller, Christopher Muller, and Derek Pasolini matched § 87(2)(b)’s description.

Sgt. Green testified that on the incident date he was working in lower Manhattan until about 5:30 or 6:00 p.m. when he was reassigned to Mobile Field Force in Brooklyn (Board Review 14). Sgt. Green and other officers from his command reported to the Barclays Center to “muster-up” before leaving in two unmarked vehicles to 3rd Avenue in Brooklyn. Both vehicles stayed together the entire time. Sgt. Green was not in Brooklyn at the time of this incident. Sgt. Green denied interacting with any civilians during his tour.

During his interview, Sgt. Green confirmed the accuracy of the LMSI detail roster which showed that Sgt. Keller was also working with Sgt. Green at the time (Board Review 13). Since neither Sgt. Green nor Sgt. Keller were at the incident location at the time, the investigation determined that neither sergeant is Officer 2.

Sgt. Pasolini testified that he did not begin his tour until 5:15 p.m. on the date of incident (Board Review 15). When he arrived for the start of his tour, Sgt. Pasolini was assigned to assist with traffic control at Atlantic Avenue and 6th Avenue. Sgt. Pasolini did not recognize § 87(2)(b) after viewing the cell phone video. Given that Sgt. Pasolini was not on duty at the time of incident, the investigation determined that he is not Officer 2.

Sgt. Muller was unable to be interviewed since he retired from service. However, Sgt. Muller's memo book entries confirmed that he did not begin his tour until 4:30 p.m. when he reported for duty (Board Review 16). Given that Sgt. Muller was not on duty at the time of incident, the investigation determined that he is not Officer 2.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 17).
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- Police Officer Ann Guerrier has been a member of service for four years, and this is the first CCRB complaint to which she has been a subject (Board Review 18).
- Police Officer Chantal Williams has been a member of service for four years, and this is the first CCRB complaint to which she has been a subject (Board Review 18).

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- As of April 5, 2021, the Office of the Comptroller has no record of a claim being filed in regard to this complaint (Board Review 19).

§ 87(2)(b)

§ 87(2)(b)

Squad No.: 4

Investigator:


Signature

Inv. Devaney
Print Title & Name

07/06/2021
Date

Squad Leader:

Raquel Velasquez
Signature

IM Raquel Velasquez
Print Title & Name

07/08/2021
Date

Reviewer:

Signature

Print Title & Name

Date

CCRB Case # 202003883